

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-151586-002 SE

11/04/2009

HONORABLE LISA DANIEL FLORES

CLERK OF THE COURT
J. Carlson
Deputy

STATE OF ARIZONA

DAVID JAMES ALLEN II

v.

SHANNON JOSEPH DAUGHERTY (002)

G DAVID DELOZIER JR.

APO-PLEAS-SE
VICTIM SERVICES DIV-CA-SE

CONTINUANCE

9:27 a.m.

State's Attorney:	David Allen II
Defendant's Attorney:	Kathy M. O'Quinn for G. David Delozier Jr.
Defendant:	Present
Court Reporter:	Luz Franco

Discussion is held regarding Defendant's plea to the court entered on September 29, 2009. It is determined that a transcript of the change of plea hearing is necessary before proceeding with Sentencing. Therefore,

IT IS ORDERED continuing Sentencing from November 4, 2009 to **December 3, 2009 at 8:30 a.m. in this Division**

IT IS FURTHER ORDERED affirming prior custody orders.

9:43 a.m. Matter concludes.

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LATER:

The Court considered Defendant's Motion to Strike, made orally in open court, a document entitled "Plea to the Court" that was filed September 29, 2009. Defense Counsel stated that the document was provided to another judicial officer at the change of plea proceeding to assist the Court, but was not intended to be filed. Defense Counsel asked that it be stricken from the record.

The Court finds that the document in question was mentioned in the minute entry from the Change of Plea Proceeding, and was discussed in open court during the November 4, 2009 hearing. To provide a complete record of all proceedings in this matter, the document should not be stricken. However, the Court notes for the record that the document was prepared by Defense Counsel, but was not a fully executed document and, again, it was not intended by Defense Counsel to be filed. Because it was a plea to the court and not a plea agreement, the document did not include a place for the State's Counsel to sign.

IT IS ORDERED denying Defendant's Motion to Strike from the record the document entitled "Plea to the Court" filed September 29, 2009.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>